

April 9, 1980

LB 889

Senator Landis, I sat in a committee hearing, Senator Landis....Senator Landis, I sat in a committee hearing this summer and I heard testimony that fertilizer cannot be checked and isn't even basically called fertilizer until it is sold to the consumer or to the farmer. Then, and only then can the Agriculture Department come in and check the quality of that fertilizer. So the reason of the bill is to protect the consumer that he is getting what he is buying, because as it is now nobody knows. So I would like to ask support for the bill and then let it be declared unconstitutional because this is very, very serious. For years and years and years we have been buying a product, and I say, we, the farmers, and we don't know for sure what we are getting because nobody can go in and check it and actually verify the formula and that is what they ship to us. So I would like to ask this body to seriously consider advancing 889. Then if somebody wants to take it to court, then if somebody wants to declare it unconstitutional, let's do so, but please, let's don't on an iffy stop this one. Thank you.

SPEAKER MARVEL: Senator Kahle.

SENATOR KAHLE: Mr. Speaker, I also want to speak about the ifs. If this isn't consumer protection, I don't know what it is, and if there is a court action that says that it isn't, I think maybe we ought to challenge it, because if you can't check the products that come in...we make very little fertilizer in Nebraska, the ingredients. It's nearly all shipped in. Outside of some nitrogen that is made locally, the phosphate and potash is all shipped in. They come from different parts of the United States. If we cannot get guaranteed analysis on this and the companies have to register it in the State of Nebraska, we have no way in the world of checking it. You can get an analysis of what you put on your field but you won't know which company fell down on the analysis if it doesn't check out. So you are going to hold the fertilizer dealer responsible for something that he has no control over if we don't help him. Thank you.

SPEAKER MARVEL: Senator Lamb.

SENATOR LAMB: Am I closing, Mr. Chairman?

SPEAKER MARVEL: No.

SENATOR LAMB: No. Okay, I would like to...in response to Senator Landis' remarks, I would direct your attention to the Attorney General's Opinion which is...well, the part I